

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD LEE WELSH, JR.,
Plaintiff

v.

LEBANON COUNTY PRISON, et al.,
Defendants

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No. 1:12-cv-1640

(Chief Judge Kane)

(Magistrate Judge Carlson)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On February 6, 2013, Magistrate Judge Carlson issued a Report and Recommendation, recommending that Plaintiff's motion for leave to proceed in forma pauperis be granted, but that his original complaint along with two amended complaints be dismissed in part without prejudice to his right to file an amended complaint. (Doc. No. 37.) Plaintiff did not object to the Report and Recommendation; instead, he filed an amended complaint.¹ (Doc. No. 39.) Thus, the Court will adopt the Report and Recommendation dismissing Plaintiff's original complaint in part. Because Plaintiff filed an amended complaint after Magistrate Judge Carlson issued his Report and Recommendation, the Court will refer the case to Judge Carlson for pretrial management and to conduct a screening of Plaintiff's amended complaint.²

¹ The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate's proposed findings and recommendations. In deciding whether to accept, reject, or modify a Report and Recommendation, a Court must make a de novo determination of those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1).

² A court must review the complaint of a plaintiff proceeding in forma pauperis prior to service of process under 28 U.S.C. § 1915(e). If the court determines that an action fails to state a claim on which relief may be granted, dismissal of that claim is required. 28 U.S.C. § 1915(e)(2)(B) (ii); see also id. § 1915A(b)(1).

ACCORDINGLY, on this 26th day of February 2013, **IT IS HEREBY ORDERED**

THAT:

1. Magistrate Judge Carlson's Report and Recommendation (Doc. No. 37) is **ADOPTED**;
2. The following claims in Plaintiff's first three complaints (Doc. Nos. 1, 18, 28) are **DISMISSED WITHOUT PREJUDICE**:
 - A. Plaintiff's class action allegations;
 - B. Plaintiff's challenge to the prison strip search policy;
 - C. Plaintiff's claims against supervisory defendants; and
 - D. Plaintiff's claims against the Lebanon County Prison;
3. Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 2) is **GRANTED**; and
4. This case is **REFERRED** to Magistrate Judge Carlson for pretrial management, and to conduct a screening of Plaintiff's amended complaint (Doc. No. 39).

/s/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania